

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRACEY WHITE, et al.,)
)
Plaintiffs,)
)
vs.) Cause No. 14-cv-01490-HEA
)
THOMAS JACKSON, et al.,)
)
Defendants.)

DEPOSITION OF KEITH EYER

Taken on behalf of the Plaintiffs

October 26, 2015

Reported by: Christine A. LePage, CCR #1000

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1 before?

2 A No.

3 Q All right. So we're going -- I'm going to ask
4 you questions first, Mr. Hughes and Mr. Plunkert may ask
5 you questions in whatever order they decide, and all you
6 have to do is listen to the question and try to answer it
7 to the best your ability, okay?

8 A Okay. Thank you.

9 Q All right. Now, how are you employed?

10 A I'm employed at McDonald's restaurant as a
11 general manager.

12 Q And are you assigned to one particular store or
13 you do all kinds of stores?

14 A My location is 9131 West Florissant. I do help
15 out in other restaurants when I'm called or needed.

16 Q Okay. And how long have you been at the 9100
17 address?

18 A About two years, two years now.

19 Q Two years. And have you always had the position
20 of general manager?

21 A I've had general manager position for 25 years.

22 Q Twenty-five years. So you've been in other
23 restaurants?

24 A Yes.

25 Q In Missouri or other locations?

1 A We work a lot of hours.

2 Q Yes, indeed. Okay. We're here to talk about
3 August of 2014, okay?

4 A Okay.

5 Q And I'm sort of going to center my questioning
6 on that, all right?

7 A Okay.

8 Q All right. And more particular in the time
9 period following the shooting death of Michael Brown, all
10 right?

11 A (Witness nods.)

12 Q Were you working during that period?

13 A Yes.

14 Q Okay. Did you take off any days in the week
15 afterward, and I say that from August 9th through
16 August 16th?

17 A I'm sure I did.

18 Q Okay. Now, in particular I want to go to
19 August 13 of 2014. Were you working that day?

20 A Yes.

21 Q Okay. Typical day, you began at 6?

22 A As far as I remember it would have been
23 6 o'clock in the morning.

24 Q Okay. And did anything unusual occur that day?

25 A During the day, nothing really happened during

1 crowd started gathering.

2 A I'm sorry, Canfield.

3 Q Canfield?

4 A Canfield.

5 Q Okay.

6 A I'm sorry.

7 Q That's what threw me off a little bit.

8 A Just seeing if you was paying attention.

9 Q Actually I was about to get my map out on that
10 one.

11 A Just testing.

12 Q Okay. All right. So at about where Canfield,
13 this is where the crowd is, right?

14 A Uh-huh.

15 Q Now, where did the police -- where did you first
16 observe the police skirmish line?

17 A That's where I saw -- Because I -- That evening,
18 during the time of all this, I was actually working like
19 12-hour days just, you know, just watching the restaurant,
20 so basically I worked from like 6 to -- my typical time is
21 getting off at 3 o'clock, I was working at almost till
22 whenever time we felt safe to go home. But I saw that
23 around 3, 3:30, I went down there, and actually I had left
24 the restaurant, went outside the restaurant, walked down
25 so I could see what was going on.

1 Q So you went down to Canfield?

2 A No, not all the way down, just about halfway
3 down.

4 Q Okay. And from your restaurant to about the
5 location you went, which was halfway down -- And was
6 that -- What street was that that you went down?

7 A Okay, I didn't actually go down the street,
8 there's a strip mall right next to our restaurant, and I
9 just went down like just right in front of the strip mall.
10 If I had to say the exact location, it would have been in
11 front of Sam's Meat Market.

12 Q All right. And what street runs in front of
13 your restaurant?

14 A West Florissant.

15 Q West Florissant. And what is the first -- if
16 you went in the direction towards the strip mall, what
17 would be the first cross street you would come to, do you
18 know?

19 A I think that is Canfield.

20 Q Canfield?

21 A Uh-huh.

22 Q Okay. All right. So you walked in the parking
23 lot of the strip mall?

24 A Uh-huh.

25 Q Is that a yes?

1 A Yes.

2 Q Okay.

3 A Yeah. Yes.

4 Q That's all right. And when you walked in the
5 parking lot, what did you observe at that time?

6 A The only thing I observed -- I just observed
7 some -- I observed a line of police officers, I observed
8 them continuously -- well, basically -- it's more what I
9 heard than what I observed.

10 Q Before you get to what you heard, just tell me
11 what you saw first and then we'll talk about what you
12 heard.

13 A Okay. Only thing I saw was the line of -- was
14 all the group of people, the skirmish line of police
15 officers, and they also had the armored vehicle there
16 also.

17 Q All right. Now, was the line of police officers
18 facing the group of people or were the --

19 A They was facing north.

20 Q Okay. Were people --

21 A They was facing people at the time.

22 Q So there would have been people on one side,
23 police officers on the other side?

24 A The officers backs would have been towards my
25 restaurant at that time.

1 Q Okay. Now, let's talk about what you heard.
2 You said you heard some, I guess, talking or yelling or
3 whatever. What did you hear?

4 A The main thing I just heard was over the speaker
5 of the intercom from police officers was everybody must
6 leave or people will be going to jail.

7 Q Okay.

8 A I probably heard that no less than 15, 20 times.

9 Q Okay. So you heard this over like a loud
10 speaker?

11 A It was a speaker, yes.

12 Q Okay. And it was directed towards the people in
13 front of them, the police?

14 A I don't know if that's the direction, I just
15 know that's what I heard.

16 Q That's what you heard?

17 A Yeah.

18 Q Okay. Were the police moving or were they
19 standing still?

20 A They were standing still.

21 Q All right. And were the group of people that
22 you saw, were they moving or were they standing still?

23 A They were like inching forward then they like
24 inched back.

25 Q Going back and forth?

1 A Just back and forth.

2 Q Okay. All right.

3 A Somebody would come up, make a comment, then
4 move back into the crowd.

5 Q Okay. And how long did you stay out there?

6 A I stayed out there -- I was probably there maybe
7 ten minutes until the officer in the line turned around,
8 the officers began coming our direction, one of the
9 officers said, "Sir, you must leave the area," and I
10 walked back to the restaurant.

11 Q Okay. So are we talking about the skirmish
12 line?

13 A Yes.

14 Q Okay. So the officers in that skirmish line, at
15 some point they turned around to face you?

16 A What I recall is that -- I don't know if all of
17 them turned around, I just know a group of officers then
18 gathered up a skirmish line towards facing the other
19 direction and began coming towards us.

20 Q Meaning the McDonald's restaurant?

21 A Coming toward McDonald's. And at that time I
22 just went back to my restaurant and just stayed there.

23 Q Okay. Now, when you left your restaurant, was
24 it open?

25 A Yes.

1 had you been in your restaurant before you saw the
2 skirmish line get close to you and you went out?

3 A Five minutes.

4 Q Okay. So at that point tell me what happened.

5 A So I came outside, I then was approached by two
6 officers which told me that it was advised that we should
7 close the restaurant, that they were closing the area
8 down, that there would be no police service in the area at
9 that time, and that we needed to close it down for our
10 safety because they were not answering any calls the rest
11 of the night.

12 MR. PLUNKERT: I'm sorry, what was the last --
13 the very last thing you said?

14 A They would not be responding to any calls in
15 that area the rest of that night.

16 Q (by Mr. Lattimer) Okay. And this had to be
17 somewhere between 3:30 and a quarter to 4; would that be
18 about right?

19 A I think it's probably -- I would say yes, about
20 3:30 or 4, yes.

21 Q All right. And so do you remember who you
22 talked to?

23 A No, I do not.

24 Q Okay. Did they have on regular police uniforms
25 or were they in sort of like military gear?

1 A They were in military gear.

2 Q Did they have masks on? Did you see their
3 faces?

4 A They had the helmet on, someone had like a
5 stocking cap type thing on, but I could definitely -- I
6 could see their faces, I could see parts of their faces,
7 yes.

8 Q Could you tell which police department they were
9 from?

10 A I'd say St. Louis County, because -- I'm not
11 positive on it, because I don't know if I'm picturing what
12 I might have saw on a shield or maybe what I saw on a
13 banner of somebody else. But did I see something straight
14 across that said "County," I can't recall that.

15 Q Okay. That's fine. I'm just asking you if you
16 remember.

17 A Yeah.

18 Q All right. So then after they told you that
19 there would be no responses, what did you do?

20 A That's when -- During that same conversation,
21 that's when we talked about going ahead and closing the
22 restaurant down.

23 Q Who did you talk with that about?

24 A One of the two officers.

25 Q Okay. So you and the officers had a

1 conversation about closing the restaurant down?

2 A Yeah. And this wouldn't have been like a long
3 conversation like we're having right now, this is
4 basically we're not -- we're closing the areas down, you
5 need to close your restaurant, you know, how long would it
6 take, ten minutes, you know, give me ten minutes, you
7 know, we have customers in there, too, let the customers
8 know this.

9 Q Okay. And so at that point what happened?

10 A At that point I went into the restaurant, I went
11 table by table to each customer and said, "Hey, we're
12 going to be closing in ten minutes." And basically I
13 said -- you know, at this time we had a lot of reporters
14 and stuff, a lot of stuff's on the tables, you know, "You
15 might want to go ahead and begin packing your items up
16 because we need to close in ten minutes."

17 Q Okay. And when you say a lot of reporters, were
18 these out of town reporters or local reporters, do you
19 know?

20 A The ones that I'm aware of were out of town.

21 Q All right. And so you say you had a lot of
22 equipment, like what?

23 A When I say a lot of equipment, I'm just
24 referring to a laptop and chargers and just a lot of
25 cords. Just cords, laptops.

1 Q Any cameras, things like that?

2 A No cameras at the time.

3 Q Okay. And had you seen these reporters before
4 or was this the first time you ever seen them?

5 A No, I seen them all during the whole week.

6 Q So they had been coming in in the McDonald's?

7 A That's right.

8 Q Okay. So pick it up from there. What happened?

9 A So I went to each table, you know, told them ten
10 minutes, you know, we need to get going. And by the time
11 I -- You know, and it was probably a little casual
12 conversation at each one, yeah, we need to get up, pack it
13 all up. And by the time I got done with the last
14 customer, that's when I walked towards -- back over
15 towards where the police officers were at, and all the
16 sudden one came to greet me again and said, "Change of
17 plans, we're closing now."

18 And at that time what I recall is just saying,
19 "We need to tell the customers." And I just walk over
20 there, this time I did not make a table-to-table
21 announcement, this time I said, you know, "Plans have been
22 changed, we're going to close the restaurant right now."

23 Q Okay. So you stood in basically a central
24 location --

25 A Yeah, everybody could see me.

1 Q -- so people could see you and hear you and made
2 a loud announcement?

3 A That's correct.

4 Q Okay. And at that point what happened?

5 A At that point what I recall is the police
6 officer being right behind me at the time as we went over
7 there, I made the announcement, and I basically just kind
8 of stepped out of the way, and then that's when the
9 confrontation between the officers and the reporters
10 happened.

11 Q Okay. Now, you say you stepped out of the way.
12 Let me clarify that. Does that mean you stepped outside
13 of the restaurant or you stayed in the restaurant but
14 moved away from the police?

15 A I just moved away from the police.

16 Q Okay.

17 A I was still within earshot of police, which --
18 eye view, but just basically when I say stepped out of the
19 way, I stepped out and let them step in front of me, I'm
20 in back of them now.

21 Q Okay. Now, do you know why the police stepped
22 in front of you?

23 MR. PLUNKERT: Calls for speculation. You may
24 answer.

25 A Because I stepped out of the way.

1 there was so much protesting that cars couldn't even get
2 by, so --

3 Q Now, on this day, the 13th, the day that these
4 guys were arrested, you had no intention of closing down
5 at the time the police had you close down; is that fair to
6 say?

7 A That's fair to say, yes, that's correct.

8 Q And, in fact, the only reason that you closed
9 down was because the police basically told you to close
10 down?

11 A That's correct.

12 MR. PLUNKERT: Object to the form.

13 Q (by Mr. Lattimer) Now, once the two reporters
14 were arrested, did you have any further involvement with
15 the police?

16 A The only other involvement I had with the police
17 is that two officers did come in to interview me about the
18 incident sometime later after that.

19 Q Okay. Would that have been in March of this
20 year?

21 A Oh, no.

22 Q December?

23 A No, that would have been -- I don't know exact
24 day, but I thought it was quite -- somewhere close to that
25 time period, within weeks of that time period.